

APPEAL NO. 040529
FILED APRIL 9, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 5, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; and that the claimant had disability from April 22, 2003, through the date of the hearing. The appellant (carrier) appeals these determinations on sufficiency of the evidence grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The carrier asserts that the hearing officer erred by determining the extent of the claimant's injury, as that issue was not before the hearing officer. In the Statement of the Evidence, the hearing officer stated that the claimant was diagnosed with "lumbar IVD Syndrome, radiculitis, and sprain/strain in addition to cervical sprain/strain and radiculitis." The hearing officer made no findings of fact or conclusion of law with regard to the extent of injury. In our reading, the hearing officer's decision merely recites the evidence presented and does not attempt to define the extent of injury. Accordingly, we find no basis to reverse the hearing officer's decision.

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Veronica L. Ruberto
Appeals Judge